

Ravalli County Planning Board
Meeting Minutes for March 5, 2008
3:00 p.m.
Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana

Public Meeting
Willoughby Estates (Willoughby Development) Major Subdivision
Sleeping Child Farms (Coleman) First Minor Subdivision
Countywide Zoning Update

This is a summary of the meeting, not a verbatim transcript. A CD of the meeting may be purchased from the Planning Department for \$5.00.

1. Call to order

Lee called the meeting to order at 3:05 p.m.

2. Roll Call (See Attachment A, Roll Call Sheet)

(A) Members

Mary Lee Bailey (present)
Dale Brown (present)
John Carbin (present)
Jim Dawson (present)
Ben Hillicoss (present)
Dan Huls (present)
JR Iman (present)
Lee Kierig (present)
Chip Pigman (present)
Les Rutledge (present)
Jan Wisniewski (present)

Park Board Representative: Bob Cron (present)

(B) Staff

John Lavey
Renee Lemon
Kimberli Conder

3. Approval of Minutes

Lee asked if there were any corrections or additions to the minutes from February 6, 2008. There were a couple of corrections. The minutes were approved with corrections made.

4. Amendments to the Agenda

There were none.

5. **Correspondence**

There was none.

6. **Disclosure of Possible/Perceived Conflicts**

There were none.

7. **Public Meeting**

(A) **Willoughby Estates (Willoughby Development) Major Subdivision**

(i) Staff Report on the Subdivision Proposal:

John gave the staff report for Willoughby Estates. If the applicants work with the Planning Board and the BCC to develop appropriate mitigation for the loss of prime agricultural soils. He mentioned to please pay close attention to conditions 7, 8, 17, & 21. The staff recommends approval of Willoughby Estates Major Subdivision, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report. (See Attachment B, Willoughby Estates Staff Report for the Board of County Commissioners).

(ii) Presentation by Subdivider's Representative

Andy Short of Territorial Landworks is the representative for this project. He started by going over the basics of the project and the land. He stated that the Planning Department recommended 50 foot easement on the irrigation. Territorial Landworks said they would do a 15 foot no build, no alteration zone to the west of the irrigation ditch and a 5 foot easement on the east side. The applicant proposed that the land would be agricultural/residential lots. There would be no new structures, utilities, or fill allowed in the proposed no build no alteration zone so that natural vegetation would be left alone. Protecting this with an extra 50 foot easement seems excessive. He also stated that the Planning Department has not mitigated for the loss of farm land and Territorial Landworks is still promoting the use of ag, just on smaller lots. This proposal has been approved by the irrigation district. All notifications and verifications will be filed with the final plat.

JR asked that when this ditch is abandoned does that mean that it becomes part of the owner's property.

Andy answered yes it does.

JR said that in the proposal agreement with the irrigation district, it says that there will be no pressure taken from them. He wanted to make sure that there would be some sort of measuring device then.

Andy said that yes there will be.

JR asked if there is a plan for alternative watering so that the total amount of water used is not exceeded by one individual.

John Joost, The Union Ditch Representative, stated that the water will be metered and no more water will be pulled than what is metered for.

Andy continued that the subdivision will be accessed off of Willoughby Lane and that pro-rata will be paid for that road. There will only be two accesses to this subdivision. The Planning Department recommended that there be connectivity with the property to the North of this area, via a 60 foot wide road easement and Territorial Landworks agreed that it will be included at the time of building. Currently there is no trail, and the applicant is fine with the staff's recommendation that a 10 foot wide trail easement will be shown along the length of the internal subdivision road. The applicant will give cash-in-lieu for parklands. The applicant is proposing \$500 per lot at the time of sale for the school district. As far as the bus turnout, the applicant will work with the school district to see what the school wishes to have whether it be a shelter, turnout, or nothing. For the Fire Department, and the Sheriff there will be a \$500 per lot contribution at the time of sale.

Bob said that though there was mention of access to the north, what about access from the west.

Andy said that he needed to talk that over with his client.

Les asked where the bus turnout would be located.

Andy stated that it has not been decided yet. The applicant is not proposing any infrastructure yet and it will be decided between the school district and applicant at a later date.

Dan said as far as the easements go he was wondering if there is an existing easement on webfoot, and if so what is it.

Andy stated that it is 20 feet from the center line of the ditch.

JR stated that if you are proposing 15 feet easement from the ditch and the ditch is 20 feet, then the proposal is actually a 35 foot easement.

Andy said no. The 20 feet is from the center line of the ditch.

Jason Joost stated that they will use whichever easement is more restrictive.

Les said in regards to page 24, #3, that wood stoves should be allowed if they are EPA approved.

John said that the covenants already state that on page 7, bullet #3.

- (iii) Acceptance of written public comments to transmit to the Ravalli County Commissioners, and a brief explanation of effective ways for the public to comment on subdivision proposals.

There were none.

- (iv) Planning Board deliberation and recommendation on the subdivision proposal

Ben asked what the price range of the homes would be.

Andy stated that the homes would be approximately 2500 + square foot.

Jason Joost stated that the price of the homes will be on the upper end of homes, priced between \$450,000 - \$600,000.

Ben asked if internal fences were in the proposal.

Jason stated that it will be up to the buyer, but they are encouraging buyers to continue ag use.

Ben said there are no fence restrictions in the covenants.

Jason said that there are some restrictions as to the type of fencing but that is about it.

Ben asked what the cash-in-lieu amount would be in dollars.

John said that there has to be an appraisal done for the final plat but similar proposals have come out to be approximately \$11,000 per acre.

Ben stated that he had some concerns. First, he is not happy with the layout. With high end houses he feels that there should be trails, bus shelters etc. He feels that these things would be better if taken care of up front rather than waiting until after everyone is moved in.

Chip brought up the ditch easement conversation.

John Joost has worked with the Union Ditch for approximately 30 years. He said that as far as the ditch easements in that area, it is bad. It is a glorified weed patch. He said that he would recommend that the applicant move them down the lower side of the banks in the ditches in that area. Approximately 15 feet would be enough. Any more than that becomes even more weeded. There just needs to be enough to get down on one side of the ditch so it can be maintained correctly.

Bob said that he thought people were concerned with how far from the ditch was ok to build, he asked if he was just misunderstanding the issue.

John Joost stated that the Union Ditch is 40 feet away from the upper side and 15 feet away from the lower side. Again it is so that one side will remain lower so cleaning and maintaining of the ditch will be easier.

Dan said the issue that he is concerned with is that 10 years down the road when the owner needs to clean the ditch. There needs to be adequate easement so no problems will occur later.

Andy stated that the easement will be at least 25 feet off the property line.

John Carbin is concerned with the loss of farmland in this area.

Dan agrees with John. He said that this is a perfect example of how NOT to subdivide, and that because of the interim zoning it is a horrible use of resources.

Les said that he too agrees with the loss of the ag land but that with the interim zoning it does not leave an alternative. He said that he is encouraged by the gardening aspect that is built into this proposal.

Ben said that he agrees also with the loss of the ag land, but also the fact that this type of subdivision just keeps spreading.

Chip reminded everyone that though he may not agree with the interim zoning also, as a Planning Board Member the BCC has given him a tool that he must work from and that is what they all must do.

Chip made the motion to approve the subdivision based on the findings of fact and conclusions of law in the staff report and subject to condition #5 would be \$500 per lot, and \$500 per lot to the school district, and \$500 per lot to the emergency services and \$500 per lot to mitigate loss of ag land all upon conveyance of the lot as well as changing #19 to no permanent structures within 25 feet of the western ditch and nothing with the eastern ditch.

Les seconded the motion.

The vote was called; the Planning Board **voted 9 – 2** that the subdivision be **approved** based on the findings of fact and conclusions of law in the staff report and subject to condition #5 would be \$500 per lot, and \$500 per lot to the school district, and \$500 per lot to the emergency services and \$500 per lot to mitigate loss of ag land and change #19 to no permanent structures within 25 feet of the western ditch and nothing with the eastern ditch. (See Attachment C, Willoughby Estates Subdivision Vote Sheet).

(B) Sleeping Child Farms (Coleman) First Minor Subdivision

(i) Staff Report on the Subdivision

Renee gave the staff report and stated that the Planning Staff recommends that the Sleeping Child Farms Minor Subdivision be approved, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report. (See Attachment D, Sleeping Child Farms Draft Staff Report for Planning Board)

Bob asked who reviews the bridge during this project. He wondered if there was someone who took care of this specifically.

Tom Hansen – PCI – said that a 310 permit had to be issued, and that the RCRBD reviewed the bridge.

(ii) Presentation by Subdivider's Representative

Chris Cobb Taggart from PCI was representing the applicant. In her presentation she said that the average lot size is 6.08 acres, the covenants are very strong and precise. All of the homes are required to be at least 200 feet from the creek and 47% of prime agricultural soils are set aside for environmental protection. The financial contributions are proposed for the 4 new lots and will not include the existing one. She noted that the applicants disagreed with the Planning Department's recommendation for one restrictive zone to protect the floodplain and wetlands.

- (iii) Acceptance of written public comments to transmit to the Ravalli County Commissioners, and a brief explanation of effective ways for the public to comment on subdivision proposals
- (iv) Planning Board deliberation and recommendation on the subdivision proposal

Ben stated that he thought the covenants were great.

Mary Lee said that she thinks it shows great care for and design, that this is a great use of the land.

Max Coleman –applicant – stated that their goal is to establish an organic vineyard. There are state and local regulations that will be applicable to the commercial vineyard.

Les said that it is very commendable to the applicant to continue the green attitude.

Chip said that it seems as if they want to adhere to the regulations but it is confusing since there are the two restrictive areas.

Tom stated that the first objective is to protect the riparian area and secondly to protect the floodplain.

Renee stated that on page 7 of the proposed covenants under the Floodplain Restrictive Zone, there was a statement that this area would be a no alteration zone. It appears that the only difference between the floodplain zone and the riparian zone is that agriculture is not allowed in the riparian zone but is allowed in the floodplain zone.

Tom said that they will clean up that language before the final plat if that would help.

JR stated that streamside setback regulations will not apply to agricultural uses. He feels that there is a conflict between that and the Planning Department's recommendation to restrict agricultural uses in both the riparian zone and the floodplain zone.

Ben stated that while he has been on the SSC he has learned that this should be easily solved and not a big issue.

Lee said that the Planning Staff says that lot 2 is not to be hayed, and wondered if he was reading that correctly.

Renee stated that yes the staff has recommended that it is left in a natural state.

Dan said that he thought it would be a shame to take the agriculture out of Lot 2. He said he thought that that would be going the wrong way.

Renee asked if Chris had said earlier that the applicants were proposing a contribution to the Open Lands Board.

Chris said no and stated that by protecting 47% of the prime agricultural soils from residential development impacts to agriculture would be mitigated. (See Attachment E, Soils Exhibit)

JR asked if there is a detention area on lots 2 & 3.

Tom answered yes.

Mary Lee asked about driveway requirements for Lot 5.

Renee said that the covenants would require that the driveway be built to have an all weather travel surface width of 22 feet.

Lee asked if the Board should pass mitigation fee amounts to the BCC or just handle it as a board.

Dan said that he was not comfortable with determining fee amounts for one subdivision and not another on the same day.

Ben stated that he thought it should just be passed onto the BCC.

John Carbin stated that he thought the board should recommend a \$500 contribution for public safety to the BCC.

JR made a motion to approve the subdivision based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report, amending condition 11 to state that the restrictive zones shall be on the final plat as proposed by the applicants, and requiring a 30 foot wide driveway easement for Lot 5 as proposed by the applicants at the meeting.

Dan seconded the motion.

Jim stated that Condition #7 should be amended to state that \$500 per new lot should be contributed to the school district on first conveyance and, Condition #8 should be a \$500 per new lot contribution due upon first conveyance.

Dan stated that as far as the fees go, we are talking about school and health and safety, not the Open Lands Board.

Renee asked if the Board wanted to add a finding stating that impacts to agriculture have been mitigated because of prime agricultural soils. The Board agreed.

The vote was called; the Planning Board **voted unanimously (11-0) to approve** the motion.

8. **Communications from Staff**

Renee asked if any Board members had kept their Sandhill Ridge application. Chip and Lee were the only Board members who do not need an application.

9. **Communications from Public**

There was none.

10. **Communications from The Board**

Ben proposed that the Board come up with some questions that they have individually and then at the next meeting come together to get some standard answers.

11. **New Business**

There was none.

12. **Old Business**

There was none.

13. **Next Regularly Scheduled Meeting: April 2, 2008 at 7:00 PM**

(A) Countywide Zoning Update

(B) Fiscal Impact

14. **Adjournment**

Lee adjourned the meeting at 6:15 PM.